IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.238 OF 2003

The State of Maharashtra ..Appellant

Vs.

Nanabhau Tulshiram Deore and
Anr. ..Respondents

...

Mr.D.P.Adsule, Advocate for Appellant

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 9, 2005

P.C.

1. Heard the learned A.P.P. for the appellant i.e. State of Maharashtra and perused the judgment and order of the learned Sessions Judge, Malegaon as well as perused the evidence of the witnesses which has been produced by the learned A.P.P.

2. Being aggrieved by the judgment and order dated 5.10.2002 passed by the learned Additional Sessions Judge Malegaon in Sessions Case No. 74 of 2000. This appeal against acquittal has been preferred by the State Govt. In the said case, the learned Sessions Judge acquitted the respondents i.e.

original accused nos.1 and 2 of the offences under Section 3(1)(x) of the Prevention of Atrocities (S.C.and S.T.) Act, 1989 and under Sections 504 and 506 read with Section 34 of IPC.

3. The complainant in the present case is P.W.1 Shanubai. The incident had taken place on 1.5.2000 at about 10 a.m. However, the complaint has been lodged only on 22.6.2000. According to the complainant she was ill hence, she could not lodge the complaint promptly. However, from the cross examination, it is clear that she was sick only for 7-8 days after the incident. However, the delay in lodging the complaint is about 1 month and 3 weeks. Even excluding the period of 7-8 days, there is delay of one and half month in lodging the complaint. The said delay has not been satisfactorily explained. On account of this delay much doubt is created in respect of the prosecution case. The learned Sessions Judge has taken this aspect into consideration as well as other aspects. In view of the facts and circumstances of this case, I am of the opinion that the view taken by the learned Sessions Judge is a reasonable and possible view. Hence, no case is made out to entertain the appeal. Hence, the appeal is

dismissed.

[V.K.TAHILRAMANI,J]